

**REMARKS/ARGUMENTS**

This Amendment is submitted prior to continued examination of the present application and in response to the final Office Action issued July 18, 2008. Claims 8-17 were pending in the application. In the Office Action, claims 8-17 were rejected. In this Amendment, claims 8, 11, 14, and 17 have been amended. No new matter has been added. Claims 8-17 thus remain for consideration.

Applicants submit that claims 8-17 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

Claims 8-14, 16, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,140 to Ivanyi ("Ivanyi") in view of U.S. Patent No. 6,530,082 to Del Sesto et al. ("Del Sesto") and U.S. Patent No. 5,801,747 to Bedard ("Bedard").

Independent claims 8, 11, 14, and 17 have been amended. Claim 8, for example, has been amended to recite:

recording program information concerning a broadcast program in the database, the program information including a program label and unit portions designated based on the program label;

reading the reception log, the receiver ID, and the program information from the database and computing viewing and listening information concerning viewing and listening,

wherein the viewing and listening information includes viewer preferences for each unit portion of a program.

Support for such amendment may be found throughout the specification, for example, at page 16 lines 4-14, and at page 21 lines 13-17.

Applicants respectfully submit that none of Ivanyi, Del Sesto, or Bedard teach recording program information

including a program label and unit portions designated based on the program label. Moreover, none of these references disclose computing viewer preferences for each of such unit portions.

Bedard was cited for the disclosure of creating a viewer profile, wherein the viewer profile would "only consider significant those viewing periods longer than one viewing unit." (*Bedard*, Col. 4, ll.5-7). According to Bedard, a viewing unit is merely a defined period of time, for example, 15 minutes. (*Id.* at Col. 4, ll.7-14). The viewing unit taught by Bedard is completely unrelated to the program being broadcast, and certainly is not "based on the program label" as recited in claim 8. Accordingly, Bedard fails to meet the limitations of claim 8. None of the other references cure this deficiency.

In light of the above, Applicant respectfully submits that claim 8 is patentable over Ivanyi, Del Sesto, and Bedard, taken alone or in combination. Accordingly, Applicant respectfully requests that the rejection of claim 8 be withdrawn.

Claims 11, 14, and 17 have been amended to recite similar limitations to those of claim 8. Accordingly, for at least the reasons discussed above in connection with claim 8, Applicant respectfully submits that claims 11, 14, and 17 are patentable, and requests that the rejections thereof be withdrawn.

Claims 9-13 depend from claim 8, and claim 16 depends from claim 14. Thus, claims 9-13 and 16 inherently include all the limitations of claims 8 or 14. Accordingly, for at least the reasons discussed above in connection with claims 8 and 14, Applicant respectfully requests that the rejections of claims 9-13 and 16 be withdrawn.

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ivanyi in view of Del Sesto and Bedard, and in further view of U.S. Patent No. 6,704,929 to Ozer et al.

("Ozer").

Claim 15 depends from and therefore includes the limitations of claim 14. As discussed above, none of Ivanyi, Del Sesto, or Bedard meets the limitations of claim 14, taken alone or in combination. Ozer fails to cure such deficiencies.

Ozer relates to a system and method for tracking viewer behavior with respect to advertisements. Ozer nowhere discloses recording program information including a program label and unit portions designated based on the label. Moreover, Ozer does not disclose computing viewer preferences for each unit portion of a program.

Thus, Applicant respectfully submits that claim 15 is patentable over the cited art, taken alone or in combination. Accordingly, Applicant requests that the rejection of claim 15 be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicant's Attorney at (908) 654-5000 in order to overcome any additional objections which she might have.


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If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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